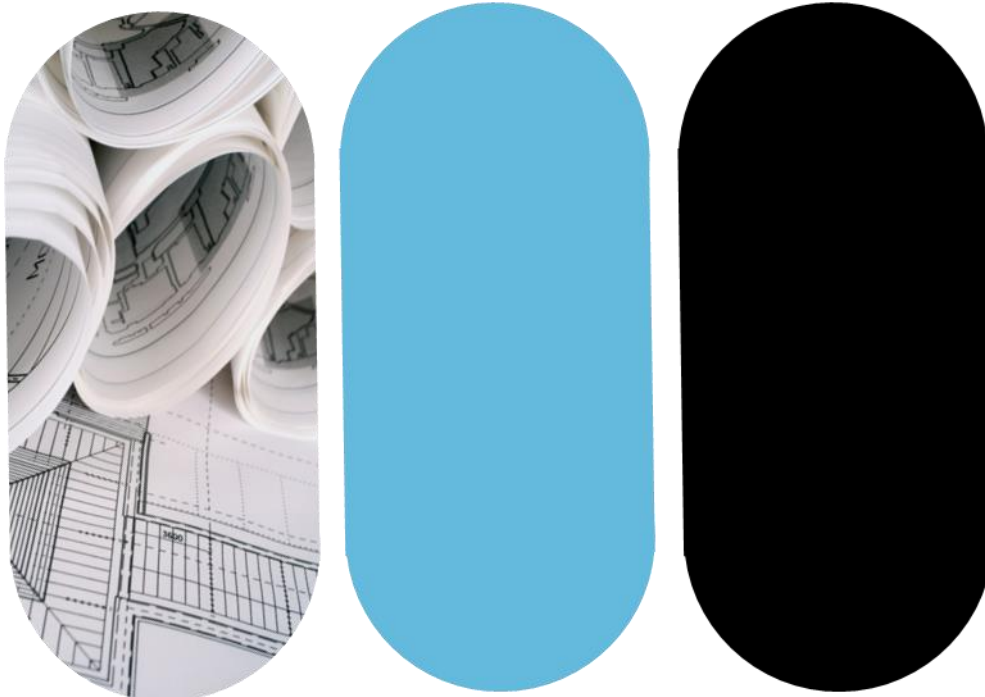




MATTER 1 HEARING STATEMENT (PROCEDURAL/LEGAL REQUIREMENTS)

On behalf of William Davis Homes



Waterfront House, Waterfront Plaza, 35 Station Street, Nottingham, NG2 3DQ
www.marron.co.uk

ISSUE 1 - Whether the Council has complied with relevant procedural and legal requirements.

Question 5: How has the Sustainability Appraisal (SA) informed the preparation of the Core Strategy Review at each stage? How has the SA been reported? Has the methodology for the SA been appropriate?

1. The Core Strategy Review (CSR) has been subject to multiple iterations of SA with the most recent being the “Sustainability Appraisal of the Proposed Core Strategy Review, November 2022.” The document is hard to follow and, as it does not contain paragraph or page numbers, is challenging to comment on. It fails to clearly relate the outcomes of the SA process to the substantive content of the CSR at each stage of the process. It does not clearly explain how or why the preferred approach of the CSR was identified, what reasonable alternatives were considered or why these were discounted. Overall, it fails to justify the selection of the CSR’s spatial strategy, the quantity of development planned for or the selection of individual sites.
2. The SA “story” begins with a Scoping Report in relation to Erewash and its Greater Nottingham HMA (Housing Market Area) neighbours [CD8]. Despite the fact the SA scoping exercises related to a much wider plan-area, the SA objectives were carried forward to subsequent stages. The next stage in the process was the Strategic Growth Options consultation of 2020, which was subject to SA (badged as “SA1”). SA1 tested eight potential approaches to the distribution of growth. We are informed by the Proposed CSR SA that the SA carried out in relation to the Strategic Growth Options consultation “*provided the basis for the Regulation 18 version of the new Local Plan that was consulted on in January 2020*” and “*It led to the Council being able to present an initial set of preferred sites within the Regulation 18 version of the New Local Plan that were known to be available for development and which fell within the more sustainable growth options as determined by SA1.*”
3. Subsequent iterations of the SA are discussed in further detail below but suffice to say at this stage the Policy Options 2021 (SA2) and the Housing Allocations Options 2023 (SA3) did not fundamentally revisit or update the Strategic Growth Options explored within SA1. SA1 essentially concludes that Option D is the most sustainable approach to housing delivery which is fundamentally a continuation of the 2014 Core Strategy’s approach of delivering large-scale residential development on Previously Developed Land (PDL). Options A and B which represented intensification within existing urban areas also performed well with Options E and F (extension of urban areas into the Green Belt) trailing behind the aforesaid options in terms of performance against the SA Objectives, though Option E (extension to the conurbations) did outperform Option F (extension to the town).

4. The next stage of SA comprised SA2, which only considered policy objectives in relation to employment, green and blue infrastructure, town centres and transport (i.e. not housing site selection). Following this, SA3 carried out in relation to the Housing Allocations Options (2021) tested all “potential housing allocations known to the Council” which comprised “25 potential housing allocations.” There is a lack of a clear explanation as to how these sites were narrowed down and why the SA process appears to have ignored the urban areas despite these being heavily relied upon to deliver the CSR’s overall strategy.
5. The 25 sites listed are, overwhelmingly, large-scale sites identified on the edge of urban areas within the Green Belt, thus consistent with Options E and F identified within SA1. The CSR selects a handful of such sites for allocation and release from the Green Belt accompanied by the apportionment of growth to the built up areas of Long Eaton, Ilkeston and rural settlements. Thus the preferred approach to strategic growth adopted by the CSR is, using the terminology of SA1, a specific combination of Options A, B, E and F. Yet nowhere within the SA process has the preferred strategic approach within the CSR been tested against other reasonable options for the overall distribution of strategic housing growth, which should have been developed and tested over time against the SA objectives to give a comprehensive picture of performance.
6. In short, the SA process has moved from consideration of relatively high level spatial options to the assessment of a particular and narrowly defined set of sites (Strategic Growth Areas) the assessment of which has resulted, in combination with the assumed contribution of urban windfall sites, in the preferred CSR approach.

Question 6: What options were considered through the SA for the following:

- a. The overall scale of housing and other growth**
- b. The broad distribution of development across the Borough**
- c. Potential allocation sites**
- d. Policy approaches**

- a. The overall scale of housing and other growth

7. As reflected in our analysis in respect of Question 5 and the Council’s own Sustainability Appraisal of the Proposed Core Strategy Review, the Council has not tested any option in relation to the scale of housing growth at any stage of the SA process. SA1 only considered high-level strategic growth options without regard to quantum. SA2 only related to policy options in four specific areas which did not include the quantity of housing growth. SA3 tested 25 “Strategic Growth Areas” predominantly within the Green Belt adjoining the urban areas and much like SA1, was silent on the overall quantum of growth. The latest iteration of the

SA dated November 2022 appears to merely restate what was done before. Hence there has been no consideration of the scale of housing growth throughout the entire SA process.

8. The Council's response to the Inspector's Initial Questions [EBC01] helpfully provides context in relation to how the CSR's housing need figure has evolved over the plan preparation process (pages 3 and 4). This response confirms that, in essence, the CSR's housing requirement has remained based on the Borough's Local Housing Need (LHN) figure calculated using the Standard Method. Noting this, the issue in respect of the robustness of the SA process arises, in our view, by the failure to consider or quantify reasonable alternatives to the chosen quantity of growth and if there are no reasonable alternatives, explaining and clarifying why that is through the SA process. This has not been done. As set out in our Regulation 19 representations, it should be recognised that the LHN represents a minimum starting point and that, critically, it does not produce a housing requirement. Whilst considering an uplift to such a figure to meet, for example, a greater portion of affordable housing need does not necessarily indicate this will be the chosen approach, failure to test any alternative approaches to the LHN figure clearly results in a flawed housing requirement figure and therefore a flawed plan for want of justification.
9. Similarly, noting the strategic constraints in relation to Green Belt, it may have been theoretically appropriate to plan for a figure lower than the LHN, if there are an insufficient stock of suitable sites to meet the overall need produced by it without resulting in significant adverse impacts to the openness and the purposes of the Green Belt. Any such judgement should derive from the strategic Green Belt assessment evidence, of which there is none, and would also trigger cross boundary considerations under the Duty to Cooperate, but could have theoretically been a reasonable alternative to be tested. Conversely, an uplift to the LHN may have been strategically necessary to meet affordable and/or specialist housing needs arising over the plan period, for example, as part of demonstrating exceptional circumstances to substantiate the release of Green Belt land or for viability reasons. We do not comment under this matter as to which one is the right approach as both are associated with advantages and disadvantages, but it is the lack of consideration of alternative options and the testing of these which has undermined the integrity of the SA process and the justification underlying the plan.

b. The broad distribution of development across the Borough

10. Akin to the options for the overall quantity of growth, the rigour of the testing in respect of the board distribution of development across the Borough is inadequate and fails to provide any cogent explanation as to why the CSR's spatial strategy has been chosen over the reasonable alternatives or indeed what the reasonable

alternatives are or why these have been identified as such. Appropriate testing of the CSR's spatial strategy has been lacking throughout the SA process and has disproportionately focused on a handful of specific strategic site options rather than the broader approach which looks at the overarching spatial strategy for how different levels of housing need will be met and the relative advantages and disadvantages of each approach.

11. The failure to consider housing needs through the SA process discussed above has also affected the spatial options tested. SA1 [CD9] tests each of the growth options against the SA objectives concluding that Option D relating to new settlements not in the Green Belt performs best. However, there is no consideration within the broad growth options of how these would actually deliver the level or levels of growth required. It is acknowledged, for example, in the Council's broader evidence base that there is insufficient urban land to meet growth needs and so whilst growth within the urban areas (Options A and B) may be associated with certain advantages, housing provision cannot be amongst them because there are insufficient available and deliverable sites in such locations to meet prevailing housing needs.
12. Similarly, in respect of Option D, (new settlements not within the Green Belt) this essentially relates to one large-scale opportunity (the Stanton Regeneration Site) which has consistently failed to come forward and, in and of itself, is insufficient to meet housing needs. Despite this, Options A, B and D are all purportedly associated with major positive effects in relation to housing delivery when they plainly cannot either in combination or individually meet development needs for housing. In short, of the eight growth options considered it is questionable whether at least three options are *reasonable* alternatives, as they bear no relation to the quantity of development required or being planned for through the CSR. Hence the conclusion that these have "major positive" effects in terms of housing delivery is plainly not justified.
13. In relation to the assessment of Option E (extension of conurbations into the Green Belt) the conclusion is reached that this option performs better than Option F (extension of the town – i.e. Ilkeston - into the Green Belt). How that conclusion ties into the spatial strategy which has been selected, which would see significant growth on the edge of Ilkeston and minimal growth adjacent to Long Eaton/ Sandiacre (the Nottingham Principal Urban Area), is unclear and would appear to not reflect the conclusions set out within the SA process in respect of the broad growth options considered.
14. The SA testing in respect of growth options would have been more robust had it considered quantities of development and prospective spatial strategies that include different elements of each of the eight growth options considered, as some of the growth options assessed taken in and of themselves are plainly not

reasonable alternatives, as they would not deliver the quantum of development required and planned for through the CSR.

c. Potential Allocation Sites

15. As set out above, a variety of sites (mostly strategic sites within the Green Belt) have been subject to site assessment. As set out in our Regulation 19 representations, there are critical flaws within the site assessment process which contain inaccuracies and lack technical rigour. Landscape impacts, for example, have not been assessed against a comprehensive framework or study using standard industry guidance but rather vague, generalised and ad-hoc observations. Similarly, given the lack of any Green Belt study carried out against a comprehensive and industry recognised framework, the judgements as to the impacts in this regard also lack the degree of rigour we would expect to underpin exceptional circumstances or to form a view on the comparative performance of the site options against Green Belt purposes and contribution to openness. Such questions are fundamental to the consideration of releasing land within the Green Belt for development and have not been appropriately considered either through the SA process or more generally.

Question 7: What were the conclusions of the SA in relation to these options and how have they informed the preparation of the Core Strategy Review?

16. The SA has failed to consider differing (or indeed any) levels of housing growth. This has affected the reasonableness of the strategic growth options considered and the preferred strategy selected within the CSR has not been tested against reasonable alternatives for the distribution of growth. The relative performance in Green Belt and landscape terms of the potential allocation sites has not been assessed robustly.
17. Because of how the SA process has been carried out, the link between the options for the amount and distribution of strategic growth and the content of the CSR has been broken in a manner that renders the CSR unsound for what of justification.

Question 9: How have the requirements of the Strategic Environmental Assessment Directive been met?

18. As part of the Strategic Environmental Assessment (SEA) process local planning authorities are required to assess the likely significant effects on the environment of implementing the plan and the reasonable alternatives. For the reasons set out above failure to subject to SA the quantity of growth planned for and reasonable alternatives to it is a clear deficiency. Likewise, failure to test the preferred growth strategy and failure to define and test reasonable alternatives represents a similar

deficiency. The SA process has not been developed iteratively alongside development of the CSR.

Question 12: Do the strategic policies look ahead a minimum of 15 years from adoption, to anticipate and respond to the long term requirements and opportunities as required by paragraph 22 of the National Planning Policy Framework?

19. No. The CSR will not be adopted before 2024 at the earliest and will only look ahead to 2037, 13 years onwards from adoption as opposed to the minimum 15 year period set out at paragraph 22 of the National Planning Policy Framework. As a result, it will not be able to anticipate and respond to long-term requirements and opportunities as envisaged by paragraph 22 of the National Planning Policy Framework.

Word Count: 2,438